

**BOARD OF PAROLE HEARINGS**  
**En Banc Decisions**  
**Tuesday, November 18, 2014**

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<b>BRANDSTATT, WILLIAM</b>	<b>T-55046</b>	<b>Referred by Chief Counsel</b>
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**Motion:** Affirm the July 30, 2014, denial of parole and schedule a re-hearing for the sole purpose of recalculating the inmate's base term and adjusted base term.

Motion by: **Zarrinnam**

Second by: **Roberts**

Not Present: **Garner**

Abstained:

**Decision:** Motion carried.

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<b>DELEO, FRANK</b>	<b>H-73348</b>	<b>Referred for Possible Rescission</b>
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**Motion:** Refer for a rescission hearing to consider the inmate's alleged misconduct on or about October 22, 2014.

Motion by: **Peck**

Second by: **Singh**

Not Present: **Garner**

Abstained:

**Decision:** Motion carried.

**Motion:** Recommend to the court that the inmate's sentence be recalled, or the inmate be resentenced, based on the board's finding that the inmate is terminally ill with an incurable disease that would produce death within six months and the conditions under which the inmate would be released or receive treatment (to live with and receive care from his sister, a retired registered nurse) would not pose a threat to public safety.

Motion by: **Labahn**  
Second by: **Zarrinnam**  
Not Present: **Garner**

Abstained:

**Decision:** Motion carried.

**Motion:** Vacate the panel's July 25, 2014, decision to grant parole and schedule a new hearing for the reasons stated by the Governor in his October 22, 2014, request for en banc review, in particular the evidence in the record that indicates the inmate has not sufficiently addressed his explosive anger which precipitated the life crime making him likely to resort to violence if angered in the free community. The Board further orders an investigation of the inmate's institutional programming related to domestic relationships.

Motion by: **Labahn**  
Second by: **Zarrinnam**  
Not Present: **Garner**

Abstained: **Minor**

**Decision:** Motion carried.

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**GANDY, DONALD****J-33372****Referred by Chief Counsel**

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**Motion:** Affirm the August 13, 2014, denial of parole and schedule a re-hearing for the sole purpose of recalculating the inmate's base term and adjusted base term.

Motion by: **Singh**

Second by: **Richardson**

Not Present: **Garner**

Abstained:

**Decision:** Motion carried.

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**HYMES, LANZESTER****D-94875****Referred by Chief Counsel**

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**Motion:** Affirm the July 30, 2014, denial of parole and schedule a re-hearing for the sole purpose of recalculating the inmate's base term and adjusted base term.

Motion by: **Labahn**

Second by: **Zarrinnam**

Not Present: **Garner**

Abstained:

**Decision:** Motion carried.

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**KENNEDY, DWAYNE****E-77932****Governor-Referred pursuant to  
Penal Code section 3041.1**

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**Motion:** Affirm the panel's July 16, 2014, decision to grant parole based on a finding that the inmate no longer poses an unreasonable risk of danger to the public, as articulated in the panel's proposed decision.

Motion by: **Turner**

Second by: **Richardson**

Not Present: **Garner**

Abstained: **Minor**

**Decision:** Motion carried.

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**LOYA, FERNANDO****K-67157****Referred for Possible Rescission**

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**Motion:** Refer for a rescission hearing to consider the inmate's alleged misconduct on or about July 21, 2014.

Motion by: **Roberts**

Second by: **Labahn**

Not Present: **Garner**

Abstained:

**Decision:** Motion carried.

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**MATTHEWS, WOOD****E-18117****Panel Member referred pursuant  
to Penal Code section 3041(a)**

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**Motion:** The Board denies parole for a period of three years for the reasons articulated in the proposed decision of October 9, 2014, based on a de novo review of the record which reflects demonstrable evidence that the inmate poses an unreasonable risk of danger to the public.

Motion by: **Peck**

Second by: **Richardson**

Not Present: **Garner**

Abstained: **Fritz**

**Decision:** Motion carried.

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**POLK, BENJAMIN****C-11048****Referred by Chief Counsel**

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**Motion:** Affirm the August 27, 2014, denial of parole and schedule a re-hearing for the sole purpose of recalculating the inmate's base term and adjusted base term.

Motion by: **Roberts**

Second by: **Anderson**

Not Present: **Garner**

Abstained:

**Decision:** Motion carried.

**ROLLO, GARY**

**B-71815**

**Tie Vote pursuant to Penal Code  
section 3041**

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**Motion:** The Board finds the inmate poses an unreasonable risk of danger and denies parole for three years for the reasons stated by the panel member who voted to deny parole at the inmate's October 10, 2014, hearing.

Motion by: **Anderson**

Second by: **Roberts**

Not Present: **Garner, Fritz**

Abstained:

**Decision:** Motion carried.

**SOLIS, JESSE**

**H-59423**

**Governor-Referred pursuant to  
Penal Code section 3041.1**

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**Motion:** Affirm the panel's August 13, 2014, decision to grant parole based on a finding that the inmate no longer poses an unreasonable risk of danger to the public, as articulated in the panel's proposed decision.

Motion by: **Richardson**

Second by: **Anderson**

Not Present: **Garner**

Abstained:

**Decision:** Motion carried.